



To: Federal Communication Commission

**Re: Purposed rule to eliminate the telegraphy examination currently required for
licensure of any amateur radio operator
(70 FR 51705-01; WT Docket No. 05-235; FCC 05-143)**

I am, a current 3rd year law student and concerned citizen, writing in support of the proposed amendment to 47 C.F.R. 97 described in 70 FR 51705-01 abolishing testing in telegraphy as a requirement for the licensing of amateur radio operators. My investigation of this issue indicates that while this revision is generally favored and well supported both in this country and internationally, a relatively small but vocal group of currently licensed amateur radio operators oppose the elimination of the telegraphy licensing requirement.

INTRODUCTION

In the past the requirement to demonstrate proficiency in morse code made sense. morse code has a long and productive history both in America and internationally. For many years it was the primary electronic communications language used for private, business, and military communications. However, just like the horse gave way to mechanized transportation as a primary means of transportation, morse code is no longer a primary or an important means of communication.

No. of Copies rec'd 0 + 4
List A B C D E

The U.S. Army, Navy, and Air Force, no longer teach Morse Code in basic training and the United States Coast Guard no longer monitors emergency communication for or utilizes Morse Code in it's own communication. Additionally, the following countries have dropped the telegraphy requirement for amateur radio licensure: Switzerland, United Kingdom, Canada, Germany, Australia, New Zealand, Czech Republic, Spain, South Africa, Iceland, Sweden, Austria, Belgium, Denmark, Finland, France, Ireland, Kenya, Luxembourg, The Netherlands, Norway, Poland, Hong Kong, Papua New Guinea, and Singapore.¹ Amateur radio operators in the United States are one of the last groups required to demonstrated proficiency in telegraphy to obtain licensure.

In addition to being an antiquated and unnecessary standard, the telegraphy testing requirement presents an entry barrier to individuals that are interested in becoming amateur radio operators, thus potentially weakening our ability to respond to regional and national emergencies. The sole reason the Commission did not recommend the elimination of the telegraphy requirement in the Report and Order (December 1999) was the requirements of the International Telecommunication Union (ITU). The ITU no longer requires that member nations require telegraphy, but rather leaves it up to each member state.

In post 911 America we cannot afford to be held hostage to tradition while decreasing our ability to respond to disaster. Below I will outline the reasons why the proposed rule change should be adopted.

¹ The National Association for Amateur Radio, *Italy Joins No-Code Ranks as FCC Revives Morse Debate in the U.S.*, at <http://www.arrl.org/news/stories/2005/08/10/1/?nc=1>.

Emergency Communication

Many proponents of morse code argue that a basic knowledge of it is necessary to ensure adequate response in states of emergency. However, the police, fire, and other first responders in this country do not use morse code as a means of communication. The international maritime community has abandoned morse code in favor of the Global Maritime Distress & Safety System (GMDSS). GMDSS is a system that utilizes a combination of terrestrial radio signals and satellite tracking to locate ships in distress. It can usually be activated in shorter period of time than tapping out an SOS in morse code.²

The reason telegraphy is not required by the Commission for emergency responders in the United States, and has been abandoned as a means of emergency communication by most military and emergency responders around the globe, is more modern and efficient emergency communications systems exist and are in common usage. Further, modern digital technology is widely available and effective even when signal quality would make morse code unreadable. Finally, the Commission noted in the R&O that "...we note most emergency communication is performed using voice, data, or video modes. We also note that most amateur radio operators who choose to provide emergency communication do

² U.S. Coast Guard Navigation Center, *An Overview of the Global Maritime Distress & Safety System*, at [http:// www.navcen.uscg.gov/marcomms/gmdss/default.hrm](http://www.navcen.uscg.gov/marcomms/gmdss/default.hrm).

so.....using voice and digital modes of communication. In summary, the need for amateur radio operators trained in telegraphy passed at least a decade ago.³

The Number of Radio Operators Continues to Shrink

Not only does the telegraphy testing requirement not aid our ability to respond to regional and national disasters, it actually impedes response. The requirement for telegraphy skills acts as barrier to amateur radio licensure, which acts to discourage interested individuals from pursuing an amateur radio license. As a result amateur radio operators are decreasing in the United States. Steps designed to promote easy entry into amateur radio need to be instituted, not the continuation of a failed policy.

As a result of the declining number of amateur radio operators the United States is less prepared to respond to a catastrophic emergency, particularly if conventional communication was unavailable. The utility of amateur radio operators has been proven many times, as in the recent emergent state that existed in the Southeastern United States after Hurricane Katrina where amateur radio operators were responsible for life saving interventions and the transmission of vital information. The United States faces natural and manufactured threats, which potentially could cripple communication on a much larger scale.

Communication is a critical to the economic and political functioning of our large and diverse democracy; therefore, making it an inviting target for terrorist attack and sabotage. If an attack compromised telecommunications on a large scale amateur radio operators could be critically important to the communication of vital information

³ See the Report and Order, FCC 99-412 at 19.

Administrative Efficiency

The Commission in purposing this rule change is demonstrating its commitment to more efficient and effective government. The current rule is antiquated and serves to place unnecessary and ill advised regulatory constraints on amateur radio operators. Efficient government demands that government regulation be effective and reflect the intent of Congress. Congress stated its intent in forming the Commission as follows:

“For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communications, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is created a commission to be known as the "Federal Communications Commission", which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this chapter.”⁴

Continuing to require a dated and unnecessary requirement for amateur radio operators hardly seems compatible with the Congress’s intent of “regulating interstate and foreign commerce in communication.....for the purpose of national defense, for the purposes of promoting safety of life and proper use of wire and radio communications....”⁵

Additionally, the FCC is faced with many necessary and important enforcement functions. Since like all government agencies the FCC has a finite amount of resources available to meet its regulatory demands, those vital resources should be used to address

⁴ 47 U.S.C. § 151

⁵ *Id.*

issues which have real significance, like unauthorized short wave radio use and blockage of transmitted emergency signals. In summary, the current regulation does not promote efficient enforcement of more critical and important FCC regulations

Improving the Art of Amateur Radio

Some opponents of the proposed rule change champion the idea that the art of amateur radio will be diminished if the morse code licensing requirement is abolished. Their argument is veiled either in nostalgia or adherence to tradition. While traditions can be of value they can also act to impede important change. The excuses, "tradition demands it" or "this is how we have always done it" have often been used as rationalizations to avoid the new challenges that progress inevitably brings about. It is difficult to understand how adherence to this meaningless tradition is in keeping with the Commission's stated goals in the regulation of amateur radio service:

"The Commission's regulation of the amateur service is based on the following principles: recognition and enhancement of the value of the amateur service to the public as a *voluntary noncommercial communications service*, particularly with respect to providing emergency communication; continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art; encouragement and improvement of the service through rules which provide for advancing skills in both the communication and technical phases of the radio art; expansion of the existing reservoir of trained operators, technicians, and electronic experts; and continuation and extension of the amateur's unique ability to enhance international good will."⁶

If the various groups like FISTS (International Morse Preservation Society) believe that the preservation of morse code is important for the tradition and art of amateur radio they as well as other have the option of requiring training as part of membership in their

⁶ 47 C.F.R. § 97.1 (a)-(e).

various organizations; however, it is not reasonable to expect mere traditions to be codified in federal regulations and endorsed by the federal government. In fact, many professional and amateur associations operate in the manner described above. The example of one such profession is medicine, where many professional boards and societies require qualifications far in excess of what is demanded for licensure.

Conclusion

While telegraphy has had a long and productive history in communications its time has come and gone. Use of morse code is not necessary or beneficial in 2005. It is merely a interesting art form used mostly as a form entertainment among amateur radio operators. While maintaining proficiency in morse code may be intellectually stimulating, to require it for amateur radio operator's licensure is clearly a barrier to individuals interested in amateur radio licensure.

Not only does the heightened barrier to licensure diminish promotion of the art of amateur radio by decreasing the availability to many talented individuals, it also weakens the ability of the United States to communicate vital information through amateur radio operators in the event telecommunications are crippled. With the ever present danger of natural disasters as well as terrorist attacks we can no longer afford to have amateur radio licensure held captive to antiquated tradition.

Harold Naramore
6716 Creekhead Dr.
Knoxville, TN 37909